

JUNE 16, 1993

The Hearing Officer, Manatee County, Florida, convened a REGULAR HEARING in the Administrative Center, 1112 Manatee Avenue West, Bradenton, Florida, Wednesday, June 16, 1993, at 3:08 p.m.

Presiding was: Benjamin Withers

Also present were:

Mark P. Barnebey, Assistant County Attorney
Susan G. French, Deputy Clerk, representing
R. B. Shore, Clerk of Circuit Court

News media notified, but not present.

All witnesses/staff giving testimony were duly sworn.

SPECIAL PERMITS

(Court Reporter, Joanne Zeck, present)

Public hearing (Notice in The Bradenton Herald 5/26/93) was held to consider

SP-93-06 LYNN & NINA POWELL - VEHICLE SALES, RENTAL, SERVICE AND LEASING ESTABLISHMENT

Request: Special Permit to allow a Vehicle Sales, Rental, Service and Leasing Establishment in the GC zoning district on .5 acre located at the northwest corner of Cortez Road and 26th Street West.

Staff recommended APPROVAL with the following conditions:

1. This Special Permit shall not be effective until it has been recorded in the Public Records of Manatee County, Florida, by the applicant and a copy of the recorded order is received by the Planning, Permitting and Inspections Department.
2. The site plan submitted with this application shall be part of this approval, but shall only be approved at a preliminary level. Administrative sign-off of the Final Site Plan shall be required subsequent to the Hearing Officer's approval of the Special Permit.
3. A fugitive dust erosion and particulate abatement plan must be approved by the Environmental Action Commission prior to Final Site Plan approval.
4. The existing driveway intersecting with Cortez Road to be removed must be replaced with curbing. This shall be approved by Florida Department of Transportation (FDOT) prior to Final Site Plan sign-off.
5. Prior to issuance of a Certificate of Occupancy, three feet of right-of-way shall be dedicated to the County along the property line on 26th Street West. The 45-foot reservation for future roadway expansion is not necessary and shall be eliminated from the site plan prior to Final Site Plan sign-off.
6. The proposed driveways will require approval of a Manatee County access and drainage permit.
7. The proposed driveway along Cortez Road and any other improvements to Cortez Road, as deemed necessary by FDOT will require FDOT right-of-way use permits. Copies of these permits shall be submitted to the Growth Management Division of the Planning, Permitting and Inspection Department prior to issuance of the Certificate of Occupancy.

Misty Martin, Planning, Permitting and Inspections, reviewed the request and pointed out the site location on the revised Final Site Plan map. She noted the staff report has been revised which includes added/modified conditions. She submitted correspondence (6/8/93) from Jim Staples, Land Acquisition, advising that a dedication of an additional three feet of right-of-way would be acceptable and would provide a consistent right-of-way on 26th Street West.

Regarding requirement for access and drainage permits, Chris Mowbray, Growth Management, recommended a condition reading, "Access and drainage permit shall be required in accordance with Section 706 of the Land Development Code for those requirements in the inspection era."

Ron Larson, Larson Engineering, representing Lynn and Nina Powell, questioned the relevance of Condition 3 noting that this is an existing paved site and the only change will be placement of landscape planters. He reported that they now have the FDOT permit for the work to be done on Cortez Road which includes closing the driveway closest to 26th Street, reducing the west driveway to 18 feet right-out only, and construction of a handicap ramp at that intersection.

He questioned the need for access and drainage permits for the "proposed" driveways as outlined in Condition 6. He stated the west driveway which is being reduced to 18 feet is currently over 40 feet wide. The existing driveway on 26th Street is being used and there is less impermeable surface as a result of creating the landscape areas.

Ms. Martin recommended amended language for Condition 6: "Changes or improvements to the existing driveways will require approval of a Manatee County access and drainage permit." She recited a portion of Section 706.3.1 addressing access and drainage permits.

Mr. Withers requested Ms. Martin prepare a memo to the file, with copies to him and the petitioner, for clarification.

Mr. Barnebey noted it appears that the changes to the site plan would make it more in compliance with the Comprehensive Plan due to fewer areas of impervious surface and retention on site would be improved.

Mr. Withers pointed out that this is not a conforming site in terms of retention.

Mr. Withers declared the hearing closed and stated he would issue a final Notice of Intent within 21 days, detailing the findings of fact and conclusions of law.

MEETING ADJOURNED

There being no further business, the meeting was adjourned.

Attest:

APPROVED:

[Handwritten signature]
Clerk
Adj: 3:41 p.m.
/ent
COMMISSIONERS
MANATEE COUNTY
FLORIDA

[Handwritten signature]
Chairman 8/5/93
HEARING OFFICER